



NATIONAL RIGHT TO WORK LEGAL DEFENSE FOUNDATION, INC.
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April 21, 2008

Re: CWA's Objection Policy

Dear Persons Who Have Requested Our Legal Advice:

This is a reminder that next month is the annual "window period" for filing *Beck* objections and obtaining a forced fee reduction under the Policy on Agency Fee Objections ("Policy") set up by the Communications Workers of America ("CWA"). CWA published notice of that Policy in the March-April *CWA News* (copy enclosed). Only **nonmembers** are eligible under that Policy, and this letter addresses their rights. Enclosed is a form letter you can use to invoke your rights under the Policy. **You must postmark your objection letter in May.**

Under the Policy, employees who are already nonmembers may only object in May. Employees who resign union membership or who are new to a bargaining unit and do not join CWA may object at any time of year so long as it is within 30 days of becoming an agency fee payer. A former member who objects outside the May "window" period should state the date of resignation in the objection letter; a new employee should state the date of becoming an agency fee payer. Members should send resignation letters to the CWA Local in which they maintain membership, with a copy to the national Secretary-Treasurer. All employees who wish to object should send their objection letters to the CWA Agency Fee Administrator.

A federal court has upheld CWA's annual objection requirement. Since then three other federal courts and two National Labor Relations Board ("NLRB") Administrative Law Judges have held that unions must honor continuing objections. Unfortunately, none of those decisions involved CWA. Therefore, annual objection under CWA's Policy is still necessary to protect your right not to subsidize its political and other non-bargaining activities unless you are a railway or airline employee in Louisiana, Mississippi, or Texas or a public employee in Connecticut, New York, or Vermont. Otherwise, I recommend that you object each May under CWA's Policy, even though the enclosed sample objection letter states a continuing objection. If you are a railway or airline employee or public employee in one of the states in which annual objection has been ruled unlawful for that class of employees, and CWA refuses to honor your objection as continuing, please let me know so that we can take appropriate steps to enforce your right to object on a continuing basis.

You should, of course, retain a copy of your signed objection letter. You should mail it by certified mail, return receipt requested, or use a private delivery service, to prove mailing and CWA's receipt

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of your letter. As you know, the Post Office will provide a white slip, when you deposit certified mail, and return a green card, after CWA receives the letter. If you mail your letter that way, you should keep copies of both Post Office receipts. This would avoid any later question about whether or not you complied with the "window period."

You can mail objections as a group. You may distribute copies of the enclosed form letter to other employees. If you do the mailing as a group, you should retain copies of all individual objection letters and all certified mail receipts. You should object by individual letters, not by a "petition."

A six-month limitation period applies to *Beck*-enforcement cases under the National Labor Relations Act and similar court cases for railway and airline employees under the Railway Labor Act ("RLA"); the limitations period for public employees varies by state, but is usually one to two years. If CWA does not send you a check after you object, or rejects your timely objection on some basis, you must file any unfair labor practice charges with the NLRB, or bring a lawsuit under the RLA, or sue for violation of your constitutional rights as a public employee, within the appropriate limitations period after the date of mailing of your objection letter. Otherwise, your claim may not be considered. So, if you have any problem with getting your reduction or refund under the Policy, please let us know before it is too late. We will then immediately contact the Agency Fee Administrator or CWA's attorney to straighten out the problem, if possible, and may take legal action for you, if necessary.

Sincerely yours,

Raymond J. LaJeunesse, Jr.

RJL/rpc
Enclosures (2)

May ____, 2008

Agency Fee Administrator
Communications Workers of America
501 Third Street, NW
Washington, D.C. 20001-2797

Re: Agency Fee Objection

Dear Agency Fee Administrator:

This letter invokes my rights under the United States Supreme Court's decisions, such as *Communications Workers v. Beck*, *Ellis v. Railway Clerks*, *Abood v. Detroit Board of Education*, and CWA's Policy on Agency Fee Objections. I wish to reduce the "dues" or agency fee that I owe to my prorated share of CWA's costs of "collective bargaining, contract administration, and grievance adjustment," as defined by the courts and the settlement agreement in *Abrams v. Communications Workers*. I object to exactions for any other purpose and to the requirement that I must renew my objection annually. This objection is permanent and continuing in nature where courts or administrative agencies have required unions to honor continuing objections.

Please see that my legal rights are fully and promptly protected.

Sincerely yours,

(Name)

(Address)

(City & Zip Code)

(Employer)

(Social Security No.)

(CWA Local No.)